

STATEMENT OF JAMES C. MAY
PRESIDENT AND CHIEF EXECUTIVE OFFICER
AIR TRANSPORT ASSOCIATION OF AMERICA, INC.
BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
UNITED STATES SENATE
December 12, 2005

HEARING ON THE TRANSPORTATION SECURITY ADMINISTRATION'S NEW
SCREENING PROCEDURES AND REVISED PROHIBITED ITEM LIST

Thank you Mr. Chairman, Senator Inouye and members of the Committee. I am Jim May, President and CEO of the Air Transport Association of America, Inc. On behalf of our members, I appreciate the opportunity to testify today on TSA's recently announced changes to its screening procedures and prohibited items list.

Driving Priorities By Risk Analysis

The significance of TSA's action lies not so much in the specific screening and prohibited list changes announced, but in the fact that they result from a deliberate and careful risk analysis. According to Assistant Secretary Hawley, TSA has done precisely what the 9/11 Commission, members of Congress and industry have urged TSA to do: make rational judgments about security measures based on the best threat intelligence available, the state of security measures to protect vulnerabilities, potential consequences and cost-effective use of valuable – and limited – resources.

The 9/11 Commission stated in its Final Report: “The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort.” Assistant Secretary Hawley’s December 2nd announcement makes it clear that this is precisely the exercise TSA went through in deciding to adjust the screening process. Indeed, Secretary Chertoff identified this process as a core principle when he testified before this Committee in July of this year.

It is noteworthy that risk analysis and risk-based decision-making has been embraced by Congress. TSA’s use of risk analysis to determine appropriate modifications to the screening process is consistent with the responsibilities of the DHS Under Secretary for Information Analysis and Infrastructure Protection, set out in the Homeland Security Act, to analyze intelligence data and conduct terrorist attack risk assessments, including the probability of success and the efficacy of countermeasures. More recently, the 2006 DHS Appropriations Act directed the Secretary to develop a threat and risk methodology to use when allocating discretionary grants to state and local

programs. TSA's announcement is also consistent with the recently introduced Transportation Security Administration Reorganization Act of 2005. That bill would formalize the process TSA used, requiring a risk management system "to dynamically assess and measure potential threats," and then develop policies consistent with that system.

The airline industry firmly supports this methodology for determining appropriate responses to terrorist threats. There are too many possible threats, and too few government and industry resources, to respond to every conceivable threat. Attempting to do so would simply diminish our ability to defend against the most serious threats. As we have testified on previous occasions, a deliberate, methodical approach to security that analyzes the spectrum of threats, likelihood of success of attacks and their consequences, is critical to effectively defending aviation.

Another 9/11 Commission recommendation is to give "priority attention to improving the ability of screening checkpoints to detect explosives on passengers." The changes announced by Assistant Secretary Hawley respond to this recommendation, we are told they respond to intelligence gathered regarding threats to aviation, and they account for the security

measures put in place to protect against another 9/11 type attack. Those measures include hardened cockpit doors, the presence of Federal Air Marshalls, armed pilots under the Federal Flight Deck Officer program, enhanced crew security training, available self-defense training for crewmembers, and a new response to in-flight security situations – get the plane on the ground immediately. In short, aviation security – especially on-board security – is much improved since 9/11, as the recent incident in Miami sadly illustrated. In light of these improvements, TSA has acted responsibly to focus attention on the next threat rather than the last one.

Further Improvements

Secretary Chertoff also has testified that our national security strategy must promote freedom, prosperity, mobility and individual privacy. The measures needed to achieve these goals have a significant economic and operational impact on the U.S. airline industry, and there is much work to be done to reduce that impact. I share here three recommendations in areas needing improvement:

- Consolidate U.S. Government passenger data collection requirements. Several agencies – Customs and Border Protection, Centers for Disease Control, and TSA -- currently have, or are proposing to implement, overlapping passenger data collection requirements. What we need is agreement on a single, government-

wide standard for airline passenger data collected and a single collection point to reduce duplication and inconsistent technical requirements.

- Establish one U.S. Government agency to be responsible for resolving passenger data privacy issues that arise with foreign governments. Failure to resolve these serious differences puts U.S. airlines in the untenable situation of complying with U.S. security-related information demands while running the risk of violating the data protection laws of foreign countries.
- Clean up the so-called “watch lists” and get the Secure Flight program up and running. We have long said that aviation security should focus on people, not things. The first step to improve this capability is to get the Secure Flight program off the ground. DHS needs to work collaboratively with industry to develop an integrated prescreening system for both domestic and international passengers.

Conclusion

Congress established TSA to secure all modes of transportation against terrorist threats; it has given TSA both the tools to analyze those threats and the authority to implement appropriate security measures. It is time to move beyond determining security measures based on personal opinion and popular belief, and let TSA use these tools to do its job.